

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

JUL 18 2005

JOHN F. CORCORAN, CLERK  
BY: *J. F. Corcoran*  
DEPUTY CLERK

**FONSO L. WIRES,** )  
Plaintiff, )  
v. )  
**DR. DAVID ROFF, IRWIN FISH,** )  
Defendants. )  
)  
)  
)  
)  
Civil Action No. 7:05-CV-00374  
MEMORANDUM OPINION  
By: Hon. Glen E. Conrad  
United States District Judge

Plaintiff Fonso L. Wires, a Federal inmate proceeding pro se, brought an action for injunctive relief, which this court construed as a Bivens action, with jurisdiction vested under 28 U.S.C. § 1331. On June 17, 2005, this court directed Wires to show proof of exhaustion and either pay the filing fee or apply to proceed in forma pauperis within twenty (20) days or risk dismissal of this action. Wires has not complied with this order. Therefore, this court dismisses this complaint without prejudice for failure to comply with a court order. If Wires wishes to pursue this matter he may refile the complaint with the required information. An appropriate order will be entered this day.

**ENTER:** This 18<sup>th</sup> day of July, 2005.

Walter C. Cross